

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

711Q0697

## HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1270** - 2/13/2009

Introduced by: Representatives Peters, Burg, Carson, Deadrick, Juhnke, Putnam, Tidemann, Turbiville, and Wink and Senators Gant, Ahlers, Haverly, Hundstad, Hunhoff (Jean), Maher, and Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to change the purpose of the veterans affairs special  
2 revenue fund.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 33-17-3 be amended to read as follows:

5 33-17-3. There is hereby ~~continued~~ established in the state treasury a "veterans affairs  
6 division special revenue fund." Said fund shall be used for the ~~purposes set forth in §§ 33-17-7~~  
7 ~~and 33-17-9~~ benefit of South Dakota veterans.

8 Section 2. That § 33-17-4 be repealed.

9 ~~— 33-17-4. Any amounts paid or contributed by the United States government or any agency~~  
10 ~~thereof, by reason of or to compensate for the expenditures referred to in § 33-17-7, shall be~~  
11 ~~paid into and be a part of the veterans affairs division special revenue fund.~~

12 Section 3. That § 33-17-5 be repealed.

13 ~~— 33-17-5. Any repayment of loans and interest thereon, shall be receipted into the veterans~~  
14 ~~affairs division special revenue fund and all moneys in said fund are hereby appropriated for the~~



1 ~~purposes provided for in §§ 33-17-7 and 33-17-9.~~

2 Section 4. That § 33-17-7 be repealed.

3 ~~—33-17-7. The Legislature finds that the care of the dependents of those in active service or~~  
4 ~~of those who have died while in active service, and the postwar adjustment of all military~~  
5 ~~personnel of the United States, are primarily and justly the obligations of the federal~~  
6 ~~government. However, because of the possibility of delay in making arrangements to extend~~  
7 ~~such care or to complete that readjustment, the veterans affairs division special revenue fund~~  
8 ~~may be used for the purpose of extending emergency aid and assistance:~~

9 ~~—(1)—To the dependents of those who are in active service or who have died in active~~  
10 ~~service, during the time when allotments, gratuity pay, arrears pay, insurance claims,~~  
11 ~~widow or widower pensions, or any other claim or benefit of such dependents are~~  
12 ~~being adjudicated or processed, or if financial relief is required for any emergency~~  
13 ~~need;~~

14 ~~—(2)—To any veteran or veteran's dependents while any application for schooling or~~  
15 ~~business rehabilitation, compensation, hospitalization, or any other benefit is being~~  
16 ~~adjudicated or processed, or if financial relief is required for any emergency need.~~

17 Section 5. That § 33-17-8 be repealed.

18 ~~—33-17-8. Funds shall be advanced to any veteran or to the veteran's dependents under § 33-~~  
19 ~~17-7 if emergency need has been established to the satisfaction of the director of the Division~~  
20 ~~of Veterans Affairs, under rules promulgated pursuant to chapter 1-26 by the Veterans~~  
21 ~~Commission, and upon agreement by the veteran or the veteran's dependents that the funds so~~  
22 ~~loaned shall be repaid without interest and are due two years from the date the money is loaned.~~  
23 ~~The agreement shall be in a form prescribed by the Department of Military and Veterans Affairs,~~  
24 ~~and money repaid shall be paid into the veterans affairs division special revenue fund under the~~

1 ~~control of the department. In no case may the sums loaned to any veteran, or to the aggregate~~  
2 ~~of the veteran's dependents, exceed the sum of five hundred dollars.~~

3 Section 6. That § 33-17-9 be repealed.

4 ~~— 33-17-9. Moneys in the fund described in § 33-17-3 may be expended to pay the~~  
5 ~~compensation and expenses of employees of the Division of Veterans Affairs engaged in the~~  
6 ~~examination or investigation of on-the-job training projects, opportunities and conditions and~~  
7 ~~in providing for and assisting veterans to obtain on-the-job training.~~

8 Section 7. That § 33-17-10 be repealed.

9 ~~— 33-17-10. For the purposes of §§ 33-17-3 and 33-17-9, a veteran is a person who has served~~  
10 ~~in the armed forces of the United States, who is in wartime service, or who is a veteran as~~  
11 ~~defined in § 33-17-1, who was a legal resident of South Dakota at the time of entry into service~~  
12 ~~or who, following discharge, has been a resident of this state for one year. However, a~~  
13 ~~nonresident in this state is entitled to any benefits which are available in the nonresident's state~~  
14 ~~to a South Dakota resident under the same conditions.~~

15 Section 8. That § 33-17-11 be repealed.

16 ~~— 33-17-11. The provisions of §§ 33-17-7 to 33-17-10, inclusive, shall be construed liberally~~  
17 ~~in order to effectuate their purposes.~~